

## **REMARKS**

Claims 23-26 and 29-44 are pending in the instant application. Claims 1-23 and 27-28 were previously canceled. In the Office Action mailed March 30, 2009, the Examiner rejected claims 23-26 and 29-44. Based on the remarks made herein, Applicants respectfully request that the rejections be withdrawn and that the application be passed to allowance.

### **1. Paragraphs 5-20 of the Office Action Mailed March 30, 2009: Rejection of Claims 23-26 and 29-44 Under 35 U.S.C. §103(a)**

In the Office Action mailed March 23, 2009, the Examiner rejects claims 23-26 and 29-44 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,843,063 issued to Anderson et al. (hereinafter the "Anderson patent") in view of U.S. Patent No. 6,120,783 issued to Roe et al. (hereinafter the "Roe patent"). Applicants respectfully traverse the rejection.

With respect to claim 23 and 38, the Examiner states that Anderson discloses a liquid pervious cover, an absorbent core 5, and an intake intensifier pledget 2 and 3. The pledget includes a first layer 2 comprising a through air bonded carded web, the web having a basis weight of between 15 to 70 gsm, and a second layer 3 comprising an airlaid nonwoven material. The intake intensifier layer can be positioned between the cover and the bodyfacing surface of the absorbent core. The Examiner also stated that the Roe patent teaches nonwoven webs that are spunbond, meltblown, hydroentangled, hydroapertured, or a combination thereof, are equivalent for use as a liquid pervious cover of an absorbent article.

The Anderson patent at column 13, lines 10-18 states:

*The multifunctional material of this invention is located between the surge material and the distribution material as shown in FIG. 1 which is a cross-sectional view of a personal care product, in this case a diaper. The diaper 1 has surge material 2 in the intake area, the multifunctional material 3 below the surge material 2, distribution material 4 below the multifunctional material 3 **and retention/storage material 5, 6 at either end** of the diaper 1. Such products also usually have a liner material and backsheet (not shown for clarity). (Highlight added.)*

Therefore, it is made clear that the retention/storage material is at either end of the diaper, and not stacked such that the garment-facing portion of the multifunctional material is in contact with the body-facing surface of an absorbent core shown as material 5. See Fig. 1 of the Anderson patent.

At least one element is not shown or suggested by the Anderson patent in view of the Roe patent. The present invention discloses an absorbent core having a body-facing surface, with an intake intensifier pledget located to **overlie a central portion of the body-facing surface** of the absorbent core, wherein the **pledget is located between the absorbent core and the cover**. The Anderson patent does not show or suggest an intake intensifier that overlies a central portion of the body-facing surface of what may function as an absorbent core (the retention/storage material 5). Instead, the Anderson patent teaches an **end-to-end relationship** between the absorbent core and the multifunctional material. The Anderson patent relies on sufficient contact to occur between these end surfaces of the retention/storage material and the multifunctional material. (See, column 13, lines 20-23.) Rather than relying on good contact of articles placed end-to-end, the present invention has a stacked structure as disclosed at page 8, lines 20-24, and Figs 1 and 2. As such, at least one element is missing from the Anderson patent. The Roe patent fails to correct this deficiency.

With respect to independent claim 37 of the present application is directed to an absorbent article including, *inter alia*, a first absorbent layer and a second absorbent layer; the first absorbent layer overlying the second absorbent layer and situated between a cover and the second absorbent layer. The first and second absorbent layers include a Thru-Air Bonded Carded web material. The Anderson patent does not disclose or suggest two absorbent layers that **overlay** one another, both including Thru-Air Bonded Carded web material. The Anderson patent does not disclose, teach, or suggest a staple fiber that has the denier of between 3 and about 10 as required by claim 37. The Roe patent does not correct the deficiencies of the Anderson patent in that the Roe patent does not disclose, teach, or suggest either of the shortcomings of the Anderson patent.

Independent claim 38 of the present application is directed to an absorbent article including, *inter alia*, an absorbent core having a body-facing surface and an intake intensifier pledget placed **to overlie** a central portion of the body-facing surface of the absorbent core, wherein the pledget is located between the absorbent core and the cover; and wherein the pledget includes a first layer and a second layer, the first layer having a Thru-Air Bonded Carded web material and the second layer including an airlaid nonwoven material. The Roe patent does not correct the deficiency of the Anderson patent in that the Roe patent fails to disclose or suggest the structure recited in claim 38.

For at least these reasons, Applicants respectfully request that independent claims 23, 37 and 38, are patentable over the Anderson patent in view of the Roe patent. Moreover, claims 24-

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26, 29-36, and 39-44, which all eventually depend from claims 23 and 38, are also accordingly patentable over the Anderson patent in view of the Roe patent.

In conclusion, and in view of the remarks set forth above, Applicants respectfully submit that the application and the claims are in condition for allowance and respectfully request favorable consideration and the timely allowance of pending claims 23-26 and 29-44. If any additional information is required, the Examiner is invited to contact the undersigned at (920) 721-4043.

The Commissioner is hereby authorized to charge any prosecutorial fees (or credit any overpayment) associated with this communication to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such extension is requested and should also be charged to our Deposit Account.

Respectfully submitted,  
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**ELECTRONIC FILING CERTIFICATE**

I hereby certify that this correspondence and all attachments and any fee(s) are being electronically transmitted via the internet to the United States Patent and Trademark Office using the Electronic Filing System on June 30, 2009.

/Mary L. Marchant/  
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